

JOSEPH P. RUSSONIELLO
United States Attorney
JOANN M. SWANSON
Chief, Civil Division
Assistant United States Attorney
DONNA WADE ANDERSON
Special Assistant United States Attorney
Donna.W.Anderson@ssa.gov
SSA, Office of the General Counsel
333 Market Street, Suite 1500
San Francisco, CA 94105-2116
Telephone: (415) 977-8930

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KATHY E. WOODS,)	NO. 3:07-cv-3196-EMC
Plaintiff,)	
v.)	STIPULATION FOR ENTRY
)	OF ORDER AND JUDGMENT
MICHAEL J. ASTRUE, ^{1/})	
Commissioner,)	
Social Security,)	
Defendant,)	
_____)	

TO ALL PARTIES, THEIR ATTORNEYS OF RECORD, AND THE
HONORABLE EDWARD M. CHEN, MAGISTRATE JUDGE OF THE
DISTRICT COURT:

The parties, by and through their respective counsel, hereby stipulate to
reopen the above-captioned matter, and ask that this Court enter an order and

^{1/} On February 12, 2007, Michael J. Astrue became the Commissioner of Social Security. Pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure, Michael J. Astrue should, therefore, be substituted for Commissioner Jo Anne B. Barnhart as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 judgment in favor of the Plaintiff affirming the January 20, 2009, post-remand,
2 final decision of the Commissioner of Social Security pursuant to Rule 58 of the
3 Federal Rules of Civil Procedure. A copy of Plaintiff's favorable decision on
4 remand is attached hereto.

5 On April 3, 2008, this Court entered an order remanding this case pursuant
6 to 42 U.S.C. § 405(g), sentence six in order to locate the claim file and hearing
7 tape. See Clerk's Record 14. In Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct.
8 2157 at 2165, 115 L.Ed. 78 (1991), the Supreme Court held that a district court
9 may retain jurisdiction over Social Security cases remanded under 42 U.S.C.
10 § 405(g), sentence six, and that the Commissioner is to return to Court following
11 completion of the administrative proceedings on remand and file the new decision,
12 with the court to then enter an order and "final judgment," thus terminating the
13 matter. See, also, Shalala v. Schaefer, 509 U.S. 292, 113 S.Ct. 2625, 125 L.Ed.2d
14 239 (1993). Remand proceedings are complete; therefore, Defendant requests that
15 an order and final judgment be entered in this case.

16 Respectfully submitted,

17 Dated: June 25, 2009
18

19 /s/ Kenneth J. Collins
20 KENNETH J. COLLINS
21 Attorney for Plaintiff

22 Dated: June 25, 2009
23

24 JOSEPH P. RUSSONIELLO
United States Attorney
JOANN M. SWANSON
Chief, Civil Division
Assistant United States Attorney

25
26 By /s/ Donna W. Anderson
27 DONNA W. ANDERSON
Special Assistant U.S. Attorney

28 Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 25, 2009, I electronically filed “Defendant’s Request for Entry of Order and Judgment” in the case of Woods v. Barnhart, Case No. 07-3196 with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

Executed on June 25, 2009, in San Francisco, California.

By /s/ Donna W. Anderson
DONNA W. ANDERSON
Special Assistant U.S. Attorney
Attorneys for Defendant

JOSEPH P. RUSSONIELLO
 United States Attorney
 JOANN M. SWANSON
 Chief, Civil Division
 Assistant United States Attorney
 DONNA WADE ANDERSON
 Special Assistant United States Attorney
Donna.W.Anderson@ssa.gov
 SSA, Office of the General Counsel
 333 Market Street, Suite 1500
 San Francisco, CA 94105-2116
 Telephone: (415) 977-8930

Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA

KATHY E. WOODS,)	NO. 3:07-cv-3196-EMC
Plaintiff,)	
v.)	[PROPOSED] ORDER
MICHAEL J. ASTRUE,)	
Commissioner of Social)	
Security,)	
Defendant,)	

Plaintiff filed this action pursuant to 42 U.S.C. § 405(g) of the Social Security Act for judicial review of a final decision of the Commissioner of Social Security, denying her application for benefits. On April 3, 2008, this Court entered an order remanding this case pursuant to 42 U.S.C. § 405(g), sentence six in order to locate the claim file and hearing tape. On remand, in a decision dated January 20, 2009, the Commissioner issued a fully favorable decision awarding Plaintiff benefits.

//

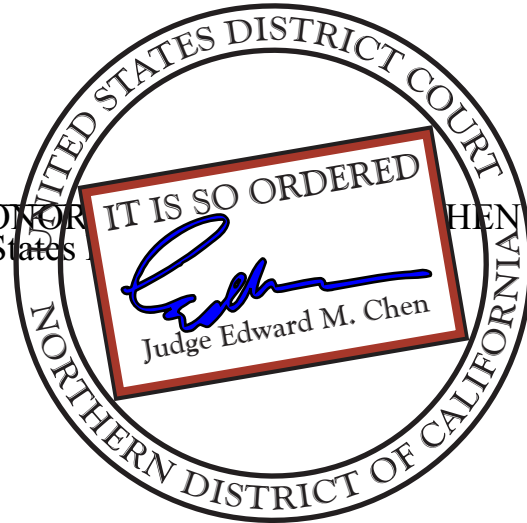
//

1 The Court orders as follows:

2 **IT IS ORDERED** that Judgment is hereby entered in favor of Plaintiff,
3 affirming the January 20, 2009, post-remand, final decision of the Commissioner
4 of Social Security.

5
6
7 Date: June 29, 2009

8 THE HONOR
9 United States



IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA

KATHY E. WOODS,
Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social
Security,

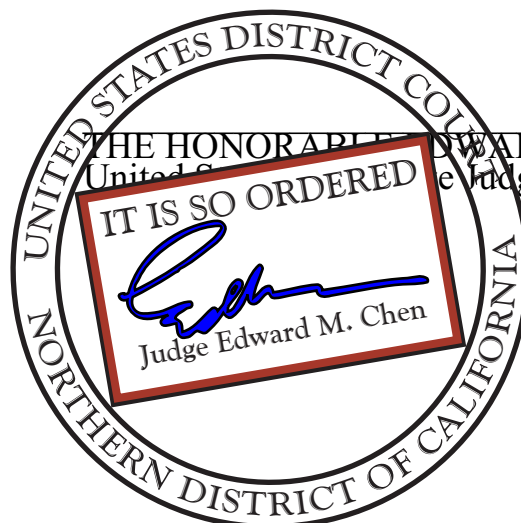
Defendant,

NO. 3:07-cv-3196 -EMC

[~~PROPOSED~~] JUDGMENT

IT IS HEREBY ADJUDGED that the decision of Defendant, the
Commissioner of Social Security, awarding Plaintiff disability benefits, is
affirmed.

Date: June 29, 2009



THE HONORABLE JUDGE EDWARD M. CHEN
United States District Judge